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EXAMINER
HERRERA, DIEGO D

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
07/23/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _10 October 2007_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-24_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

Amendments made on claims 1, 11, and 18 .

Response to Arguments

Applicant's arguments with respect to claims 1-15 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 rejected under 35 U.S.C. 102(e) as being anticipated by Chang (US

6901268 B2).

Regarding claim 1. Chang discloses a method for reducing an erroneous frame

classification associated with a communication in a radio access network (RAN)

(abstract, col. 1 lines: 15-22, Chang teaches base station controller in communication

network with mobile devices and base stations), the method comprising:

classifying a first frame associated with the communication on a first channel having a

first data rate (col. 7 lines: 54-67—col. 8 lines: 1-10, Chang teaches forward and

reverse channels having SCH and FCH/DCCH and control of power, hence, controlling

frames with data indicators as to control of power) and classifying a second frame

associated with the communication on a second channel having a second data rate (col.

7 lines: 54--col. 8 lines:10, Chang teaches forward and reverse links one skilled in the

art knows that they are of different rates and classifying of frames is done independently

to regulate rate and provide better QoS), wherein classifying includes classifying a

Transmit/Discontinuous Transmit (TX/DTX) condition associated with each of the first

frame and the second frame (col. 9 lines: 31-57, Chang teaches determining type of

transmissions messages between first and second channels and their transmitted

frames); and

re-classifying the first frame from a first condition of the first frame to a second condition

of the first frame based on the classifying the second frame of the second channel (fig.

4a-b, 13, 15-16, col. 9 lines: 31-57, col. 10 lines: 24-44, Chang teaches re-assigning the

second channel and second frame to a second condition than the first received through

first channel first frame), and wherein the first condition being a DTX condition (fig. 3,

4b, col. 1 lines: 24-50, col. 10, lines: 24-26, Chang teaches DTX condition detected

when message is received), and the second condition being at least one of a TX

condition or an erasure condition (col. 10 lines: 24-44, Chang teaches setting EIB on the

reverse SCH when DTX mode is detected).

Regarding claim 11. Chang discloses a method for determining an erroneous frame

condition associated with a wireless communication in a radio access network (RAN)

(abstract, col. 1 lines: 15-22, Chang teaches base station controller in communication

network with mobile devices and base stations), the method comprising:

determining a first parameter including one or more of: a Transmit/Discontinuous

Transmit (TX/DTX) parameter (col. 1 lines: 24-30, 42-50, Chang teaches determination

of parameter is that of a DTX), a first rate parameter, and a first quality parameter (col.

10 lines: 1-7, Chang teaches CRC to check quality and reverse link quality to check the

reception strength of the reverse SCH frame), the first parameter associated with a first

frame on a first channel having a first data rate;

determining a second parameter including one or more of: a second TX/DTX parameter,

a second rate parameter(col. 1 lines: 24-30, 42-50, col. 9-12, Chang teaches

determination of parameter is that of a DTX), a second quality parameter (col. 10 lines:

1-7, Chang teaches CRC to check quality and reverse link quality to check the reception

strength of the reverse SCH frame), and a content parameter associated with a second

frame on a second channel having a second data rate; and determining that a first

condition associated with the first frame includes the erroneous condition and

reclassifying the first condition associated with the first frame to a second condition

associated with the first frame based on the second parameter <u>associated with the</u>

<u>second frame on the second channel (</u>col. 10 lines: 24-44, Chang teaches setting EIB

on the reverse SCH when DTX mode is detected)<u>,</u>

wherein the first data rate is greater than the second data rate(col. 12 lines: 11-23,

Chang teaches controlling power level).

Regarding claim 18. Chang discloses an apparatus for reducing erroneous frame

classifications associated with a communication with a radio access network (RAN)

(abstract, col. 1 lines: 15-22, Chang teaches base station controller in communication

network with mobile devices and base stations), the apparatus comprising:

an interface capable of supporting a portion of the communication on a first channel

having a first data rate and a second channel having a second data rate less than the

first data rate (abstract, col. 11 lines: 13-40, Wang teaches FCH/DCCH and SCH two

channels having different rates of data);

a memory (abstract, col. 1 lines: 16-22, Chang teaches base station controller, hence,

memory component being part of station); and

a processor coupled to the memory and the interface (abstract, col. 1 lines: 16-22,

Chang teaches system hence processing power and components), the memory storing

instructions for causing the processor to:

determine a second parameter associated wherein the first classification condition

associated with the first frame of the first channel is reclassified to a second

classification condition based on the second parameter <u>associated with the first frame</u>

<u>on the second channel</u> (fig. 3, 4b, col. 1 lines: 24-50, col. 10, lines: 24-26, Chang

teaches DTX condition detected when message is received) and wherein an adjustment

of a power level associated with the first channel is facilitated based on the re-

classification (col. 12 lines: 11-23, Chang teaches controlling power level).

Consider claim 2. A method according to claim 1, further comprising:

re-classifying the second frame from a first condition of the second frame to a second

condition of the second frame associated with the communication based on the

classifying of the first frame (col. 10 lines: 24-44, Chang teaches setting EIB on the

reverse SCH when DTX mode is detected.

Consider claim 3. A method according to claim 2, further comprising facilitating an

adjustment of a power level associated with the second channel based on the re-

classifying the second frame (col. 10 lines: 24-44, Chang teaches setting EIB on the

reverse SCH when DTX mode is detected, hence, power control based on second

frame second channel).

Consider claim 4. A method according to claim 2, wherein the first condition of the

second frame includes one or more of a rate parameter and a quality parameter and

wherein the rate parameter includes a less than full rate value and the quality parameter

includes a low quality value (col. 9 lines: 65—col. 10 lines: 23, Chang teaches having

FQI and reverse link quality to the reception strength of the reverse SCH frame).

Consider claim 5. A method according to claim 1, wherein the first channel includes

one of a high capacity channel and a low reliability channel and the second channel

includes, respectively, one of a low capacity channel and a high reliability channel (fig.

7, 9, 12, col. 9 lines: 65—col. 10 lines: 23, Chang teaches having FCH/DCCH and

SCH).

Consider claim 6. A method according to claim 1, wherein the RAN includes a

cdma2000 RAN (col. 9 lines: 20-25, Chang teaches CDMA communication system RAN

is inherently part of the system), and wherein the first channel includes a supplemental

channel (SCH) and the second channel includes one of a fundamental channel (FCH)

and a dedicated control channel (DCCH) (col. 10 lines: 24-44, Chang describes

channels compose of FCH/DCCH and SCH).

Consider claim 7. A method according to claim 1, wherein the classifying the first

frame includes classifying a Transmit/Discontinuous Transmit (TX/DTX) condition

associated with the first frame (abstract, col. 10 lines: 50-67—col. 11 lines: 1-12, Chang

teaches getting information of channel classification of first frame having that of DTX

otherwise TX).

Consider claim 8. A method according to claim 1, wherein the first condition of the first

frame includes a Discontinuous Transmit (DTX) condition and the second condition of

the first frame includes a Transmit (TX) condition (abstract, col. 10 lines: 50-67—col. 11

lines: 1-12, Chang teaches getting information of channel classification of first frame

having that of DTX otherwise TX meaning that the frame is good for transmission).

Consider claim 9. A method according to claim 7, wherein the second condition further

includes an Erasure condition (col. 10 lines: 24-44, Chang teaches setting EIB on the

reverse SCH when DTX mode is detected, hence, erasure is the second condition).

Consider claim 10. A method according to claim 1, further comprising facilitating an

adjustment of a power level associated with the first channel based on the re-classifying

the first frame (col. 10, Chang teaches adjusting power level associated based on first

channel first frame classification).

Consider claim 12. A method according to claim 11, further comprising determining

that a first condition associated with the second channel includes the erroneous

condition and reclassifying the first condition associated with the second channel to a

second condition associated with the second channel based on the first parameter (col.

10 lines: 1-7, 24-44, Chang teaches determination of DTX mode and erroneous data,

i.e. bad frame; col. 9-12, Chang teaches the process the changing the parameters to a

second condition based on received information to adjust power level).

Consider claim 13. A method according to claim 12, further comprising facilitating an adjustment of a power level associated with the second channel based on the reclassifying the first condition associated with the second channel (col. 10 lines: 24-44, Chang teaches setting EIB on the reverse SCH when DTX mode is detected, hence, power control based on second frame second channel).

Consider claim 14. A method according to claim 11, wherein the first channel includes a high capacity channel and the second channel includes a low capacity channel (fig. 7, 9, 12, col. 9 lines: 65—col. 10 lines: 23, Chang teaches having FCH/DCCH and SCH).

Consider claim 15. A method according to claim 11, wherein the RAN includes a cdma2000 RAN (col. 9 lines: 20-25, Chang teaches CDMA communication system RAN is inherently part of the system), and wherein the first channel includes a supplemental channel (SCH) and the second channel includes one of a fundamental channel (FCH) and a dedicated control channel (DCCH) (col. 10 lines: 24-44, Chang describes channels compose of FCH/DCCH and SCH).

Consider claim 16. A method according to claim 11, wherein, if the TX/DTX parameter is equal to DTX and at least one of the conditions of: the rate parameter includes a value greater than a lowest rate value, the quality parameter indicates a good frame, and the content parameter indicates bearer data is satisfied (abstract, col. 10 lines: 50-67—col. 11 lines: 1-12, Chang teaches getting information of channel classification of first frame having that of DTX otherwise TX meaning that the frame is good for transmission), then the re-classifying the first condition associated with the first frame to

a second condition associated with the first frame includes the first condition where the

TX/DTX parameter is equal to DTX and the second condition where TX/DTX parameter

is equal to TX and the quality parameter is an erasure (col. 10, Chang teaches first and

second condition that of DTX and erasure and TX).

Consider claim 17. A method according to claim 11, further comprising facilitating an

adjustment of a power level associated with the first channel based on the re-classifying

the first condition associated with the first frame (col. 10, Chang teaches adjusting

power level associated based on first channel first frame classification).

Consider claim 19. An apparatus according to claim 18, wherein the instructions

further cause the processor to:

determine a first parameter associated with the first frame on the first channel; and

determine that a first classification condition associated with the first frame on the

second channel is erroneous (col. 10 lines: 1-7, 24-44, Chang teaches determination of

DTX mode and erroneous data, i.e. bad frame),

wherein the first classification condition associated with the first frame on the second

channel is reclassified to a second classification condition based on the first parameter

and an adjustment of a power level associated with the second channel is facilitated

based on the re- classification (col. 9-12, Chang teaches the process the changing the

parameters to a second condition based on received information to adjust power level).

Consider claim 20. An apparatus according to claim 18, wherein the first channel

includes a high capacity channel and the second channel includes a low capacity

channel (fig. 7, 9, 12, col. 9 lines: 65—col. 10 lines: 23, Chang teaches having

FCH/DCCH and SCH).

Consider claim 21. An apparatus according to claim 18, wherein the RAN includes a

cdma2000 RAN (col. 9 lines: 20-25, Chang teaches CDMA communication system RAN

is inherently part of the system), and wherein the first channel includes a supplemental

channel (SCH) and the second channel includes one of a fundamental channel (FCH)

and a dedicated control channel (DCCH) (col. 10 lines: 24-44, Chang describes

channels compose of FCH/DCCH and SCH).

Consider claim 22. An apparatus according to claim 18, wherein the first classification

condition includes one of an first erasure condition and a discontinuous transmit (DTX)

condition and the second classification condition includes, respectively, one of a

discontinuous transmit (DTX) condition and a second erasure condition (col. 9-12,

Chang teaches DTX first condition and erasure/idle/null and changing to second

condition to erasure/idle/null and DTX).

Consider claim 23. The apparatus according to claim 18, used in a mobile station

wherein the interface is capable of coupling the mobile station and the RAN and

supporting a downlink portion of the communication on the first channel and the second

channel (abstract, col. 9-11, Chang teaches use of uplink and downlink or forward and

reverse channel communication in CDMA system, hence, components for support of

wireless communication elements).

Consider claim 24. The apparatus according to claim 18 used in a base station

wherein the interface is capable of coupling the base station and a Mobile Station (MS)

associated with the RAN, the interface capable of supporting an uplink portion of the

communication on the first channel and the second channel (abstract, col. 9-11, Chang

teaches use of uplink and downlink or forward and reverse channel communication in

CDMA system, hence, components for support of wireless communication elements).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Diego Herrera whose telephone number is (571) 272-

0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617